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Sustainable development

Universal membership of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme

Report of the Secretary-General**

Summary

The present status report has been prepared in response to the request of the General Assembly to the Secretary-General, in paragraphs 3 and 4 of its resolution 57/251 of 20 December 2002, as well as in paragraph 6 of its resolution 58/209 of 23 December 2003, to present a report on the important but complex issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme, including its legal, political, institutional, financial and system-wide implications. The report outlines the continuing consideration of the issue in the Governing Council/Global Ministerial Environment Forum and recommends, with the above in mind, that a more comprehensive examination of the issue, as envisaged in resolutions 57/251 and 58/209, be submitted by the Secretary-General to the Assembly before its sixtieth session.

* A/59/150.

** The present report was submitted after the established deadline in order to allow for an additional round of internal consultations.

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I. Introduction

1. Since its establishment by the General Assembly by its resolution 2997 (XXVII) of 15 December 1972, the United Nations Environment Programme (UNEP) has evolved to meet the growing challenges of global environmental protection. The decisions of its 58-member Governing Council, established by the same Assembly resolution, have, among other things, helped develop a number of multilateral agreements on global environmental issues.

2. In ensuing years, the mandate of UNEP has been examined and strengthened in the light of the outcomes of the United Nations Conference on Environment and Development,[1] as well as decisions taken by the UNEP Governing Council at its nineteenth session, as reflected in the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme,[2] underscored by the General Assembly in its resolutions S-19/2 of 28 June 1997 and 53/187 of 15 December 1998, emphasizing that UNEP is the principal United Nations body in the field of the environment and its role is to be the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment.

3. As part of the United Nations reform initiative, launched by the Secretary-General in 1998 under the slogan "Renewing the United Nations", the General Assembly considered the recommendations of the United Nations Task Force on Environment and Human Settlements (see A/53/463, annex) and adopted resolution 53/242 of 28 July 1999, in which it welcomed the proposal to institute an annual, ministerial-level, global environmental forum, with the Governing Council of UNEP constituting the forum in the years it met in regular session and, in alternate years, with the forum taking the form of a special session of the Governing Council, in which participants could gather to review important and emerging policy issues in the field of the environment, with due consideration for the need to ensure the effective and efficient functioning of the governance mechanisms of UNEP, as well as possible financial implications.

4. The Governing Council at its sixth special session, held in Malmö, Sweden, in May 2000, constituted the first Global Ministerial Environment Forum. The Governing Council/Global Ministerial Environment Forum adopted the Malmö Ministerial Declaration.[3] Referring to the then forthcoming preparatory process for the World Summit on Sustainable Development, the Declaration emphasized that the Summit should review the requirements for a greatly strengthened institutional structure for international environmental governance, based on an assessment of future needs for an institutional architecture that had the capacity effectively to address wide-ranging environmental threats in a globalizing world.

II. International environmental governance process

5. In pursuance of that objective, by its decision 21/21 of 9 February 2001, the UNEP Governing Council established the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance to undertake a comprehensive policy-oriented assessment of existing institutional weaknesses as well as future needs and options for strengthened international

environmental governance, including the financing of UNEP. The Open-ended Intergovernmental Group held four meetings between April and December 2001 to address those issues, the outcome of which was submitted to the Governing Council/Global Ministerial Environment Forum at its seventh special session.

6. At its seventh special session, held in Cartagena, Colombia, in February 2002, the Governing Council/Global Ministerial Environment Forum, in its decision SS.VII/1 of 15 February 2002 on international environmental governance, adopted the report of the Open-ended Intergovernmental Group, which stated:[4]

> "The international environmental governance process has highlighted the need for a high-level environment policy forum as one of the cornerstones of an effective system of international environmental governance. To this end, the Governing Council/Global Ministerial Environment Forum should be utilized more effectively both in promoting international cooperation in the field of the environment, in providing broad policy advice and guidance, identifying global environmental priorities, and making recommendations, in accordance with paragraphs 2 (a) and 2 (b) of General Assembly resolution 2997 (XXVII) [...] Such an approach should be pursued with full respect for the independent legal status and governance structures of other entities, and would be consistent with the mandate provided to the UNEP Governing Council in General Assembly resolution 2997 (XXVII), which states, in paragraphs 2 (b) and 2 (c), that it should provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system, keep their implementation under review and assess their effectiveness. This approach could be achieved through a series of measures such as those proposed below:
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> "(a) Universal participation of Member States of the United Nations and members of its specialized agencies in the work of the Governing Council/Global Ministerial Environment Forum should be ensured. The question of establishing universal membership for the Governing Council/Global Ministerial Environment Forum is an important but complex issue that should be considered in the broader context of the preparatory process of the World Summit on Sustainable Development and be reviewed at the twenty-second session of the Governing Council/Global Ministerial Environment Forum based on the outcome of the Summit."

7. The Plan of Implementation of the World Summit on Sustainable Development addresses the strengthening of the institutional framework for sustainable development at the international level and states:[5]

> "The international community should [...] fully implement the outcomes of the decision on international environmental governance adopted by the Governing Council of the United Nations Environment Programme at its seventh special session and invite the General Assembly at its fifty-seventh session to consider the important but complex issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum."

8. In paragraphs 3 and 4 of its resolution 57/251 of 20 December 2002, the General Assembly recalled the decision made at the World Summit on Sustainable Development to fully implement the outcomes of the Governing Council's decision on international environmental governance, and invited Member States, the

Governing Council and the relevant bodies of the United Nations system to submit to the Secretariat their comments on the important but complex issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum, including its legal, political, institutional, financial and system-wide implications, and requested the Secretary-General to submit a report incorporating those views to it for its consideration before its sixtieth session. The above was also reflected in paragraph 6 of Assembly resolution 58/209 of 23 December 2003.

9. In reviewing the outcome of the World Summit on Sustainable Development and its implications for the work of UNEP and in pursuance of its decision SS.VII/1, the Governing Council, in its decision 22/17, part I, of 7 February 2003, noted the above invitation of the General Assembly. For its consideration of the question of membership of the Council at its twenty-second session, the Council had before it an issue paper (UNEP/GC.22/INF/36), prepared by UNEP in consultation with the Office of Legal Affairs of the Secretariat and other relevant offices of the United Nations, in which the implications of universal membership were elaborated upon. In the framework of the implementation of paragraph 4 of resolution 57/251, the Governing Council subsequently requested the Executive Director to invite Governments to submit written comments on the subject and to submit a report incorporating those comments from Governments to the Governing Council/Global Ministerial Environment Forum at its eighth special session, in March 2004, for its consideration.

10. In pursuance of General Assembly resolution 57/251 and Governing Council decision 22/17, part I, the Executive Director sent a letter on 16 June 2003 to all Governments inviting them to submit by 31 October 2003 their views on the question of universal membership of the Governing Council/Global Ministerial Environment Forum. An updated issue paper was enclosed with the letter for information (UNEP/IEG/UM/1/1) and was also before the Council/Forum at its eighth special session for consideration (UNEP/GCSS.VIII/INF/11). The Council/Forum was also provided with a note by the Executive Director containing a synthesis of views of Governments received in response to the Executive Director's request (UNEP/GCSS.VIII/INF/6).

11. At its eighth special session, held in Jeju, Republic of Korea, the Governing Council/Global Ministerial Environment Forum, in its consideration of the implementation of decision SS.VII/1 on international environmental governance, adopted decision SS.VIII/1 on 31 March 2004. In part I of that decision, the Council/Forum noted the variety and divergence of views of Governments on the question of universal membership and as further reflected at the session; took note of the issue paper on the question; requested the Executive Director to continue to invite views on universal membership with a view to conveying the views expressed by Governments to the Secretary-General as an input for his report to the General Assembly, as invited by the Assembly in its resolutions 57/251 and 58/209; and also requested the Executive Director to present a report on the matter to the Council/Forum at its twenty-third session.

12. In pursuance of Council/Forum decision SS.VIII/1, part I, the Executive Director has subsequently invited Governments to provide their further views on the question of universal membership and will present another report on the issue to the Council/Forum at its twenty-third session, to be held in February 2005.

III. Recommendation

13. **In the light of the Council/Forum's continuing consideration of the question of universal membership of the Governing Council/Global Ministerial Environment Forum, the General Assembly may wish to take note of the present status report, welcome the continuing consideration of the question by the Council/Forum at its twenty-third session and encourage Member States, the Governing Council and the relevant bodies of the United Nations system to submit to the Executive Director their comments on the important but complex issue of establishing universal membership for the Governing Council/Global Ministerial Environment Forum, including its legal, political, institutional, financial and system-wide implications, as their contribution to the report of the Secretary-General, and request the Secretary-General to submit a comprehensive report incorporating those views to the Assembly for its consideration at its sixtieth session.**

Notes

[1] See *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda).

[2] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 25* (A/52/25), annex, decision 19/1, annex.

[3] Ibid., *Fifty-fifth Session, Supplement No. 25* (A/55/25), annex I, decision SS.VI/1, annex.

[4] Ibid., *Fifty-seventh Session, Supplement No. 25* (A/57/25), annex I, decision SS.VII/1, annex, para. 11.

[5] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1), chap. I, resolution 2, annex, para. 140 (d).